

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BAR'S PRODUCTS, INC.,

Plaintiff/Counter-Defendant,

Case No. 10-14321

v.

HON. DENISE PAGE HOOD

BAR'S PRODUCTS INTERNATIONAL, LTD.,

Defendant/Counter-Plaintiff.

**ORDER DENYING EMERGENCY MOTION
TO STAY PENDING POST-TRIAL MOTIONS**

This matter comes before the Court on Plaintiff/Counter-Defendant Bar's Products, Inc.'s ("Bar's Products") Emergency Motion to Stay Pending Post-Trial Motions. A response to the motion was filed by Defendant/Counter-Plaintiff Bar's Products International, Ltd. ("BPI").

After a jury rendered its verdict, a Judgment in favor of BPI in the amount of \$2,535,044 was entered on May 13, 2014. On May 14, 2014, Bar's Products filed a Notice of Appeal. The instant motion filed by Bar's Products was filed on May 16, 2014 seeking a stay on any execution of the Judgment pending filing of any post-trial motions, which have yet to be filed. BPI responds that since Bar's Products filed a Notice of Appeal, the Court has no authority to review any post-trial motions.

The filing of a notice of appeal confers jurisdiction on the court of appeals and

divests the district court of its control over those aspects of the case involved in the appeal. *Taylor v. KeyCorp.*, 680 F.3d 609, 616 (6th Cir. 2012). The district court may only proceed with matters that are in aid of the appeal, such as rulings regarding pauper status, but not as to motions filed after a notice of appeal has been filed. *Id.*, n. 8; *McBride v. Lafler*, 2012 WL 3578736 at *2 (E.D. Mich. Aug. 20, 2012). Since the Court has no authority to review any post-trial motions under Rules 50 and 59 (which have yet to be filed), there is nothing for the Court to stay.

Accordingly,

IT IS ORDERED that Plaintiff's Emergency Motion for Stay Pending Post-Trial Motions [**Doc. No. 214**] is DENIED.

S/Denise Page Hood

Denise Page Hood
United States District Judge

Dated: May 23, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 23, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager